



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,265	07/06/2001	Nevcin T. Sultan	9-13528-170US	3921

7590 10/17/2006

Swabey Ogilvy Renault
Suite 1600
1981 McGill College Avenue
Montreal, QC H3A 2Y3
CANADA

EXAMINER

REFAI, RAMSEY

ART UNIT	PAPER NUMBER
----------	--------------

2152

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/899,265	Applicant(s) SULTAN ET AL.	
	Examiner Ramsey Refai	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-15, 17-25 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-15, 17-25, and 27-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2152

DETAILED ACTION

Response to Amendment

Responsive to Request for Continued Examination received September 21, 2006. Claims 1, 12, and 25 have been amended. Claims 1-8, 10-15, 17-25, and 27-31 remain pending further examination.

Response to Arguments

1. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 4, 5, 6, 7, 10, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4, 5, 6, 7, 10, and 11 recite the term " the LSA" which lacks proper antecedent basis. It is not clear if this is referring to the - *generated LSA*- or the - *received LSA*-.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2152

5. Claims 1-6, 10, 12-15, 17-22, 25, and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhang (US Patent No. 6,275,492).

6. As per claim 1, Zhang teaches a method of enabling policy-based traffic forwarding in a data network having at least two area border routers (ABR), the method comprising steps of:

generating a link stat advertisement (LSA) message (column 3, line 25), and asserting a route tag in respect of the generated LSA message (column 1, lines 54-60, column 4, lines 59-67) and

at each ABR receiving the LSA message, controlling propagation of the received LSA, into an area of the data network hosted by the ABR, based on a respective forwarding policy having a match criteria corresponding to the asserted route tag (column 1, lines 54-60, column 4, lines 33-49, fig 3, element 76);

wherein the respective forwarding policy of a first ABR differs from that of a second ABR, such that the received LSA message is flooded into the area hosted by the first ABR and not flooded into the respective area hosted by the second ABR (column 3, line 42-column 4, line 22).

7. As per claim 2, Zhang teaches the data network is an Open Shortest Path first (OSPF) network (column 3, line 5).

8. As per claim 3, Zhang teaches a route tag comprises one of: an internal route tag associated with an address located within an autonomous system of the data network; and an external route tag associated with an address located outside the autonomous system (column 1, line 54-60, column 4, line 59-67).

Art Unit: 2152

9. As per claim 4, Zhang teaches the step of asserting a route tag comprises steps of: setting a route tag value respecting the LSA; and inserting the route tag value into a predetermined field of the LSA (column 1, line 54-60, column 4, line 59-67).

10. As per claim 5, Zhang teaches wherein the route tag value is set by a policy having a match criteria corresponding to a predetermined attribute of the LSA (column 1, line 54-60, column 4, line 59-67).

11. As per claim 6, Zhang teaches wherein the predetermined attribute comprises any one or more of: a source address; a source area; a destination address; and a destination area (column 1, line 54-60, column 4, line 59-67).

12. As per claim 10, Zhang teaches the forwarding policy corresponds to one of: a pass decision, in which the LSA is forwarded to a downstream link; and a discard decision, in which the LSA is discarded without forwarding

13. As per claims 11 and 27, wherein implementation of the forwarding policy further comprises a step of updating a forwarding table using information contained in the LSA as either one of: an inclusion route and an exclusion route (column 1, lines 25-53; information from LSA is used to update forwarding tables).

14. As per claim 14, Zhang teaches an autonomous system border router, and an area border router (column 3, lines 17-21, column 4, line 19).

15. As per claims 12 -13, 15, 17- 22, 25, 28, and 29, these claims contain similar limitations as claims 1-6, and 9-10 above, therefore are rejected under the same rationale.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2152

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 7-8, 23-24, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang in view of AAPA (Applicant Admitted Prior Art).

18. As per claim 7, Zhang teaches the step of inserting the route tag comprises a step of inserting the route tag value into an external route tag field of the LSA (column 1, line 54-60, column 4, line 59-67).

19. Zhang fails to teach the use of Type-5 LSA.

20. However, AAPA teaches the use of Type-5 LSA (paragraph [0007]). It would have been obvious to one of the ordinary skill in the art at the time of the invention to combine the teachings of Zhang and AAPA because AAPA use of Type-5 LSA in Tappan' s system would allow for advertisements to describe routes to destinations external to the Autonomous System.

21. As per claim 8, Zhang teaches the step of inserting the route tag comprises a step of inserting the route tag value into an internal route tag field (column 1, line 54-60, column 4, line 59-67).

22. Zhang fails to teach the use of Type-3 LSA.

23. However, AAPA teaches the use of Type-3 LSA (paragraph [0008]). It would have been obvious to one of the ordinary skill in the art at the time of the invention to combine the teachings of Zhang and AAPA because AAPA use of Type-3 LSA in Tappan' s system would allow advertisements to describe routes to networks.

24. As per claims 23-24 and 30-31, these claims contain similar limitations as claims 7-8 above, therefore are rejected under the same rationale.

Art Unit: 2152

Conclusion

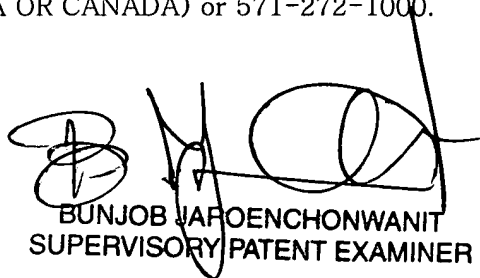
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are cited in the Notice of Reference Cited form (PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
Examiner
Art Unit 2152
October 8, 2006



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER